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Is My Ticket Good There?

The Ins and Outs of Overseas Flying

Have you ever been on vacation and thought, “This would be a cool place to go flying.” If you are here in the United States, you need only find an FBO and get a check out, assuming you’re current in terms of a flight review and medical requirements.

But what if you aren’t in the United States?

If you’re outside the boundaries of the U.S. National Airspace System (NAS), you’ve stepped into the wider world of international aviation. It’s a world governed by the International Civil Aviation Organization (ICAO), bilateral aviation safety agreements, treaties, and more. There’s a lot that you can do with a U.S. pilot certificate in other countries, but it’s important to fully understand both the privileges and the limitations.

First things first. There is a big distinction between flying your N-registered (U.S. registered) aircraft to a foreign country and flying around there, and flying a locally registered aircraft while you’re in another country. For more information on flying a U.S. aircraft to another country see “Let’s Go Island Hopping” on page 16. Although this article specifically covers the Caribbean, many of the principles it outlines are similar elsewhere.

While the above distinction may sound trivial, it is actually quite important. Other nations generally don’t concern themselves much with your pilot and medical certificates if you are flying your own aircraft, so long as your certificates conform to ICAO standards. But in order to fly a locally registered aircraft, the requirements may be different.

“It Depends”

Like most aspects of dealing with a law or regulation, the answer to the “can I fly there?” question is a resounding “it depends.” It depends on which country you want to fly to, what that country’s requirements are, and whether or not the FAA has any specific agreements with that country (more on that below).

In terms of worldwide applicability, ICAO recommends that:

A pilot license issued by a Contracting State should be rendered valid by other Contracting States for use in private flights.

Unlike ICAO standards, which carry more weight and require a difference to be filed with ICAO if the authority wishes to deviate, an ICAO recommendation is just that — a recommendation. Some countries adhere to recommendations; others do not. But take notice of a key point in the ICAO recommendation: “private flights.” Most countries require that you hold a locally-issued certificate or license, just as the FAA does in 14 CFR section 61.3. This regulation states that in order to serve as a required crew member of a civil aircraft of the U.S. (i.e., to fly any N-registered aircraft), you must have a pilot certificate, or a special purpose pilot authorization, issued under 14 CFR part 61.

In the United States, the FAA uses 14 CFR section 61.75 to allow a foreign pilot to fly an N-registered civil aircraft. Assuming that the foreign pilot is from an

ICAO member country that meets ICAO standards, this section allows the FAA to issue a U.S. pilot certificate to a foreign-licensed pilot on the basis of the foreign license. The catch is that this certificate is limited to the private pilot level. Even if the foreign pilot's certificate is at the ATP level, the U.S. pilot certificate issued to facilitate private flights (per the ICAO recommendation

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quoted above) is limited to the private pilot level. With the U.S. private pilot certificate in hand, the foreign-licensed pilot can fly an N-registered aircraft in the United States. Like any private pilot, he or she cannot fly for compensation or hire. Part 61.77 covers special purpose pilot authorizations which allows foreign pilots to fly N-registered aircraft for compensation or hire with certain restrictions but this is beyond the scope of this article.

There are a few other important points to know. First, the foreign pilot has to meet the currency, flight review, and medical certificate requirements of the certificate, just as any other private pilot would have to do. But unlike a U.S.-certificated private pilot, the foreign pilot has most likely not just taken a practical test that would meet the flight review and basic currency requirements. In most cases, this limitation is not a significant barrier, because most FBOs or flight schools require any unknown pilot to have an aircraft checkout before renting an aircraft. Since checkouts do not necessarily qualify as a flight review, the foreign pilot will need to be sure that the instructor is aware of the need and conducts the checkout in a way that meets flight review requirements.

Another point to remember is that a U.S. pilot certificate issued under 14 CFR section 61.75 is only valid as long as the underlying foreign license remains valid.

Although you always need to check individual country requirements, many ICAO countries have similar policies. A small sampling:

Australia: A pilot visiting Australia may apply for a Special Pilot Licence (Australian spelling) based on the overseas pilot certificate. Bear in mind, though, that Australia's Civil Aviation Safety Authority (CASA) may need several months to process such a request. For short-term operations, CASA also allows a Certificate of Validation, which enables operations for less than three months.

United Kingdom: Like the FAA, the U.K.'s Civil Aviation Authority (CAA) regulations (the Air Navi-

gation Order, or ANO of 2009) has a provision similar to our own 14 CFR section 61.3. Under Part 6, Flight Crew Licensing – Requirements for Licence, Article 50 (1) states:

Subject to the exceptions set out in articles 51 to 60, a person must not act as a member of the flight crew of an aircraft registered in the United Kingdom without holding an appropriate licence granted or rendered valid under this Order.

Article 62, “Deeming a Non-United Kingdom Flight Crew Licence Valid,” is the U.K.'s version of the FAA's 14 CFR section 61.75. Article 62 (1) recognizes flight crew licenses issued by a Contracting State [of ICAO], and Article 62 (2) states:

Subject to paragraph (4), for the purposes of this Part, such a licence is, unless the CAA gives a direction to the contrary, deemed to be a licence rendered valid under this Order.

While this provision allows an FAA-issued pilot certificate to meet the requirements under Article 50, Article 62 (4) states that:

A licence deemed valid under paragraph (2) does not entitle the holder —

(a) to act as a member of the flight crew of any aircraft flying for the purpose of commercial air transport, public transport or aerial work or on any flight for which the holder receives remuneration for services as a member of the flight crew; or

(b) in the case of a pilot's licence, to act as pilot of any aircraft flying in controlled airspace in circumstances requiring compliance with the Instrument Flight Rules or to give any instruction in flying.

As you can see, the U.K.'s paragraph (a) is similar to our own 14 CFR section 61.75 with respect to issuance of a private pilot certificate. Note, however, that paragraph (b) restricts a foreign pilot from flying in controlled airspace in instrument meteorological conditions (IMC), and prohibits the holder from giving flight instruction. Also U.K. regulations are scheduled to change in April of 2014 as part of EASA harmonization so please check before your departure.

The IPL Approach

Since most pilots seeking to fly in a foreign country are likely to need only private pilot privileges, restrictions such as those described above are not a significant impediment. There is, however, the

potential for additional privileges — without additional testing — in countries where the United States has specific agreements with a foreign government. Canada currently is the only example.

As part of a larger Bilateral Aviation Safety Agreement (BASA), in 2006 the FAA and Transport Canada Civil Aviation (TCCA) initiated a new pilot licensing agreement as part of an Implementing Procedure for Licensing (IPL). The IPL allows U.S. pilots to be issued Canadian licenses, and vice versa. But unlike pilot certificates issued pursuant to 14 CFR section 61.75, these certificates may be issued at the commercial and ATP levels, although the pilot must take a knowledge test. Also, unlike a certificate issued under 14 CFR section 61.75, certificates issued in accordance with the IPL are “stand-alone” certificates (i.e., validity is not linked to that of the foreign pilot certificate).

As you might imagine, the process of developing and negotiating an IPL is lengthy and complex, because each regulating authority has to ensure that the other country’s pilot certification standards provide the equivalent level of safety and competence. To the extent that resources permit, the FAA is

interested in expanding the IPL approach with like-minded civil aviation authorities.

Tips for Trips

If flying abroad is something that interests you, check ahead. Some countries, like Australia, require advance paperwork. Others, like the U.K., do not. Some countries allow commercial operations with varying degrees of paperwork. Others do not allow any kind of commercial operations on the basis of foreign certificates. Consequently, the first step is to check with the CAA in the country you plan to visit.

As you can see, flying a locally-registered GA airplane isn’t that difficult. It just takes a little advance planning ... an effort could provide the experience of a life time. ✈️

For More Information:

Civil Aviation Safety Authority (Australia):

http://www.casa.gov.au/scripts/nc.dll?WCMS:STANDARD::pc=PC_90024

Civil Aviation Authority (UK):

<http://www.caa.co.uk/default.aspx?catid=175&pagetype=70&gid=2083&faqid=1189>

Number of Active GA Aircraft

(Source – GAMA 2011 GA Statistical Databook and Industry Outlook)

